

RENTAL GAZETTE

THE VOICE OF THE RESIDENTIAL RENTAL INDUSTRY

ARLA


**Alberta Residential Landlord
ASSOCIATION**

The Voice of the Residential Rental Industry

ISSUE 2

VOLUME 27

SUMMER 2022



2022 ARLA Golf Classic Golf Tournament

Come golf with us on September 16, 2022 in ARLA's Golf Classic Golf Tournament. The event will be held at Sturgeon Golf & Country Club again this year and we are hoping for a beautiful day!

Thank you to all the Tournament Sponsors for their support.

The day will start with a breakfast sandwich and a shot of Baileys and then it's on to a fun filled day!

See page 4 for more details.

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The opinions expressed in any article in The Rental Gazette are those of the author of that article and not necessarily those of the Alberta Residential Landlord Association.

RIGHTS WITHIN YOUR PROPERTY: DID YOU KNOW?

BY JUDY FENG, STAFF LAWYER, CPLEA

This article was first published in CPLEA's (www.cplea.ca) digital magazine, LawNow (www.lawnow.org)

Many of you may be familiar with basic tenancy laws as a landlord. But do you know much about your rights as an owner of a single-family home? Ever wonder whether your fence defines property boundaries and whether there are laws about fences? Do you know what you own and control on your property? How about neighborhood noises... are there laws that deal with disturbances such as barking dogs, parties and loud people? Do you know what your rights are when there are things encroaching or intruding onto your property? Here's a brief introduction to some of your rights with respect to your own property that you may or may not know about.

DID YOU KNOW #1:

There is More to Property Boundaries than Just the Fence

One might think that property boundaries are established by a fence, and one owns and can use all that is within it. Fences are often a physical marker for property boundaries. But there is more to property boundaries than just fences. As a starting point, a Certificate of Title describes the location of legal property boundaries. There may be encumbrances, liens and interests registered on title affecting the property. For example, your municipality may have a utility right of way registered on title, which is an agreement that allows them to use your land in some way. That's why it's important to know what's on your Certificate of Title and all registered documents on title. Furthermore, disputes can happen where there is uncertainty over boundaries. For example, when physical boundaries established by fences don't match the legal boundaries described in the Certificate of Title. Whenever you are dealing with uncertainty or disputes about property boundaries, you should get legal advice.

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FEATURE ARTICLE: CONTINUED FROM COVER

BY JUDY FENG, CPLEA

DID YOU KNOW #2: Speaking of Fences, There's Laws About Those To

Speaking of fences, there are laws in each province about building them and who is responsible for paying for them. In Alberta, the Line Fence Act has limited application as it only applies to fences designed to keep livestock out of adjoining land. The Act says that when two owners or occupiers of an adjoining property want to build a fence for the common advantage of both of them, they are to equally share the costs of construction, maintenance and repairs. Let's say the Act applies to your situation and you have a dispute with your neighbour about a fence's quality, property location, or the money to maintain or repair it. Under the Act, such fence disputes can be referred to arbitration. Other than checking your provincial laws about fences, you should also check your local municipal bylaws about fences – which specify height, location and whether development permits are required. As a tip, you should also check architectural guidelines for your neighborhood or community association when it comes to fences. There may be construction and colour guidelines to follow, sometimes even down to the exact paint colour.

DID YOU KNOW #3: You are Entitled to Airspace Above the Surface of Your Property

Let's say you are standing on the land surface of your property. Do you own anything above that surface? When you own a piece of land, the common law (judge-made) recognizes a right to airspace up to a certain

height. This has also been interpreted to mean that you own as much airspace as you can potentially and reasonably enjoy or use. Airspace entitlement is a little different for condo owners and tenants who live in buildings. In such situations, condo owners and tenants have a right to a piece of the stratosphere. Fun fact, this also helps explain why condominium law is often referred to as "strata law" in British Columbia.

DID YOU KNOW #4: You Have a Right to Peaceful Enjoyment of Your Property

Common law also recognizes a right to peaceful enjoyment on private property. Essentially, the law protects against unwanted intrusions or disturbances on your property. Municipal bylaws regulate conduct and activities on private property (and adjacent property) to make sure that you have enjoyable use of property. For example, municipal bylaws cover nuisances such as noise and enforcement. The right to peaceful enjoyment also extends to tenants living in rented properties. This means landlords have a responsibility to deal with problems that infringe on a tenant's right to peaceful enjoyment – such as excessive noise, aggressive behavior and disturbances caused by others allowed on the premises.

DID YOU KNOW #5: It Gets Complicated When There are Encroachments and Intrusions Onto Your Property

There is a range of caselaw when it comes to encroachments and intrusions onto your property. When it comes to trees, hedges, shrubs and the like, you may be able to re-

move branches from a tree planted on your neighbor's lot if they encroach onto your property – as they are considered natural encroachments. But it can get complicated when the encroaching tree is a straddle tree where the roots are growing in neighbouring or adjacent properties. Some cases say these types of trees are common property while some cases say root intrusion is a type of nuisance. So, there is uncertainty about what you can do with encroaching trees depending on how it's growing and whether your actions will harm the health of the tree. Intrusions into airspace above your property can also get complicated. The courts have viewed direct and permanent structural intrusions (such as the case of low hanging powerlines) as a trespass to be remedied. On the other hand, courts have viewed transient intrusions such as aircraft as not likely to interfere with enjoyment of your property.

To learn more about property law issues, refer to the following articles on www.lawnow.org:

- Property Laws You've Maybe Never Heard Of
- Common Neighborhood Disputes and Solutions
- Neighbor Disputes: Encroaching People, Trees, and Smoke

For more on residential tenancies law in Alberta and CPLEA's Residential Tenancies Legal Information Program, go to: www.landlordandtenant.org. Funding for this project is made possible through a grant from the Alberta Real Estate Foundation (www.aref.ab.ca).





EDITOR'S MESSAGE SUMMER 2022

BY RAPHAEL YAU, CHAIR RENTAL GAZETTE

Market Update Summer 2022

Summer is upon us, and the economy is yo-yoing between employment gains and economic recovery vs. inflationary pressures and increasing interest rates. The equity markets have taken a tumble quite significantly since the new year and while real estate transactions have increased, the increase of the Bank of Canada overnight rate and bond yields will no doubt put pressure on capitalization rates and pricing. The Russian invasion of Ukraine is altering the course of the global economy in 2022 and the war's geopolitical and economic impact is likely to have significant long-term effects. Supply chain issues affect everything from groceries to car sales and the cost of construction affects the real estate market across the board.

The economy in Alberta has showed continued signs of growth to start 2022. GDP growth in 2021 was 5.1% and the predictions are that Edmonton will have over 5 percent GDP growth in 2022, which is the highest of all projected growth rates in Canada. While rising energy prices are a key factor in Alberta's current and projected positive growth, strong performances in other sectors such as tech, clean energy, and film are also contributing and demonstrating the benefits of an increasingly diversified economy. The projections for 2023 are 3.5-4 percent.

Population growth rates in both cities are roughly 65 percent higher than the same quarter in 2021. Unemployment in Alberta specifically has recovered significantly since last year. Unemployment is down by 22 percent in Calgary and 37 percent in Edmonton compared to a year ago. Positive economic conditions in Alberta have led to the creation of 13,000 new businesses in the first quarter of the year alone. The Global demand for crude oil and other commodities continues to rise due to the conflict in Ukraine and corresponding sanctions on Russia. Commodity prices are expected to remain high and financial institutions are forecasting another year of growth for Alberta. Edmonton and Calgary are the fastest growing metro cities in Canada, with Edmonton the fastest at 11.2% GDP growth for 2021 overall.

Edmonton's quarterly sales increased by 115% on a quarterly basis. Edmonton has experienced a large increase in out-of-province investor interest, which drove demand and contributed to rising prices. Rental vacancy

rates in Edmonton were 8.9 percent. Average weighted net per-square-foot rental rates in Edmonton have remained at \$1.74. Alberta recorded a positive net migration total of 9,489 in the fourth quarter of 2021. The province with the largest net flow to Alberta was Ontario. Edmonton recorded above-average quarters in terms of population growth, rising by 0.6 percent on a quarterly basis. Population growth rates in Edmonton are roughly 65 percent higher than the same quarter in 2021. Unemployment is down by 37 percent in Edmonton compared to a year ago. Positive economic conditions in Alberta have led to the creation of 13,000 new businesses in the first quarter of the year alone. The province's growing labour force, positive migration gains, anticipated job creation, and relative housing affordability should contribute to sustained strong demand for new homes. There will be challenges, however, as interest rates are expected to continue rising throughout the year to combat inflation.

Multi-family property sales were number top on investors' lists, as more than \$212 million worth of apartment properties were sold. Investors have had a newfound appetite in multi-family properties compared to Q1 2021. In the first three months of 2022, eighteen sales totaling more than \$212 million were sold, versus 22 sales totaling \$124.7 million one year prior. During Q1 2022, multi-family properties moved for an average of \$121,000 per unit as opposed to \$140,000 per unit a year earlier. Cap rates also came in at 4.2% at March 31st, 2022 versus 4.4% last year. Increasing interest rates may be a contributing factor in the increase in activity. As purchasers' attempt to lock in record low rates from the past several years, cap rates will have to increase to ensure positive cash flow on investment properties.

I look forward to seeing you all at our Annual Golf Tournament in September. The Apartment Industry is resilient and while some players may exit the market, once things settle and a thorough analysis is done, more capital will flow into this sector than previous years due to its stability.

I hope you all can get outside and enjoy our beautiful summers.

While effort has been taken to ensure the accuracy of the information and analysis herein, it should not be construed as financial advice.

*Raphael M.H. Yau, B.A. (Econ), Multi-family & Investment Sales, Cushman & Wakefield Edmonton
Source: Cushman & Wakefield Edmonton Research, Statistics Canada, RBC Economics, The Network*

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GOLF CLASSIC TOURNAMENT REGISTRATION

\$175

REGISTER TODAY!

brittany@alberta-landlord.org
Deadline: September 2, 2022

- Golf Package includes: 18 Holes, Green Fees & Power Cart
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EXECUTIVE DIRECTOR REPORT SUMMER 2022

BY DONNA MONKHOUSE, EXECUTIVE DIRECTOR

SAVE THE DATE AND MARK YOUR CALENDARS!

APPRECIATION BBQ
July 15, 2022

GOLF CLASSIC TOURNAMENT

September 16, 2022

Golf Tournament Sponsors sold out in 3 days - that's a record and we thank all our sponsors for their support!

Golfer Registration is also sold out and thank you again to everyone for their support of this event. We look forward to a great day.

Summer months are just about here, kids are out of school, people are going away on vacation and others like me will be working and planning a staycation!

With our office in full swing and keeping very busy, we continue to welcome new members and reconnect with existing!

We had our first Landlord Resource Trade Show & ARLA Achievement Awards, and the event was full of energy and excitement. It was great to see everyone and thank you to all our exhibitors and sponsors. Congratulations to our award winners & nominees - you are all an asset to the Rental Housing Industry! We saw over 500 people attend the event and couldn't be more pleased with this outcome. The Bingo Card game had 5 winners of \$500 each and congratulations to them as well! We look forward to this event in 2023 and please save May 12, 2023 for the 2nd Trade show & Awards Luncheon.

We continue to look at different ways to engage our members and continue to grow our community. Keep those referrals coming! It would be great to have several names in our draw jar every 4 months for a \$100 gift card for referring a member that joins!

We are now getting ready for our Appreciation BBQ - it's our way of saying THANK YOU to our membership! The BBQ will be held at Victoria Park - Site #6. July 15, 2022 between 11:30 and 1:30 - Join us for burgers and fun!

We continue to be involved on committees for the Minister of Housing Committee; Safety Codes Council; ARTAC and issues involving our Municipal and Provincial Governments.

We continue to make ourselves aware of upcoming issues both municipally and provincially. Recently an issue has arisen by one of the City of Edmonton councilors, Michael Janz. He brought forth two motions recently that speaks to Landlords and the need for further rental enhancements beyond what they already are. The motions were in the June 16, 2022 broadcast and we will ensure we stay on top of this one and are already doing our research. We may call on you to help us with our City initiatives - we appreciate your support!

We are working on a paper that will be sent to Service Alberta on Red Tape Reductions for the RTA with some of our members and as well, we are writing to the Minister of Service Alberta with respect to the RTDRS to voice our concerns on some of the issues we have heard from you.

We are always looking for ways we can assist the members and be heard to improve the

Residential Rental Industry. If you have any issues that you want to share or would like help with, please let us know and we will do our best to help resolve them.

We would love to hear from you if a member (Service or Professional) did something you want to acknowledge - Just let us

know; if someone did a great job for you let us know; if you want to say something about ARLA let us know (nice of course) we will publish these on our website and ensure they get the recognition they deserve.

Thanks go out to all the members for their continued support of ARLA.





We're super excited to see you!



MEMBER APPRECIATION BBQ

Friday July 15, 2022
11:30 am - 1:00 pm
Victoria Park, Site 6
12030 River Valley Road

RSVP to Brittany at
brittany@albertalandlord.org



PRESIDENT'S MESSAGE SUMMER 2022

BY CHRISTOPHER BATDORF, ARLA PRESIDENT 2022

Welcome Everyone to the Summer Rental Gazette.

Looking Back

I would like to thank the hard work of the ARLA staff and board members who volunteered their time to run an amazing Landlord Resource Tradeshow and Achievement Awards! Congratulations to the Award Recipients and Nominees, your hard work is inspiring, and I look forward to next year's Trade Show & ARLA Achievement Awards. Also thank you to the Tradeshow vendors, the energy within the tradeshow was positive and infectious as we return to the ability to network in person.

Looking Forward

As July approaches, the main thought on my mind is constantly on Property Taxes in Edmonton. With the difficulties that Albertans are able to observe in the news, or Twitter, regarding Edmonton City Council, I struggle to understand the direction this City Council is heading. On May 9th, City Administration presented to Council that an 8.5% property tax increase would be needed to maintain current services and development/growth projects.

This, once again, makes me question why are Edmonton Property Owners and Managers not able to contract better services, away from City-owned services, for a better price-point? Why doesn't Edmonton City Council look at private corporations and stakeholders, like ARLA and its members, to understand how to maintain or improve services or developments without massive increases in costs being passed onto residents?

Recently, on June 7th, Edmonton City Council approved 2 motions that have an impact solely on Property Managers and Owners. First, Mayor Sohi will write a letter to the Provincial Government to highlight the "need" to expand and enhance minimum rental standards. Secondly, for Edmonton City Administration to identify tools and options to support Residential Tenants, beyond the provincial requirements and standards.

In my decade of working with vulnerable,

homeless, and low-income Edmontonians, I cannot recall a time in which an elected government has interjected itself solely in the business of Residential Tenancies, without stakeholder engagement nor experience in the legal complexities that ARLA members operate on a daily basis.

Gratitude

While the future, for residential tenancies, in Edmonton is uncertain, I want to take time and be grateful for the most amazing things that I have observed ARLA members achieved in over the past 10 years. When Premier Stelmach and Mayor Mandel set out 10-year plans to end homelessness, I have witnessed ARLA members continuously sign on to support, since 2009, ending homelessness and housing those in need the most.

As of June 14th, 2022, Homeward Trust

Edmonton has identified that 14,303 people have been housed through Housing First in Edmonton, better than any of the other 6 cities in Alberta with a Housing First program.

With the war in Ukraine still occurring, the settlement of refugees in Alberta reminds me that it is ARLA members that are opening their doors to our new neighbours, just as ARLA members did with neighbours fleeing the Fort McMurray fire and the War in Syria.

So, while it seems like Property Owners and Managers are constantly vilified and Residential Tenancies "need" government intervention more than ever, just remember that Alberta Residential Landlord Association members have been there for the City of Edmonton and the Province of Alberta when needed. And ARLA will always be there for its members!

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ALBERTA RESIDENTIAL LANDLORD ASSOCIATION MISSION, VISION AND VALUE STATEMENT 2022

OUR MISSION

To represent member interests and provide education for
the betterment of the Residential Rental Industry.

OUR VISION

To be the collective voice of the Residential Rental
Community for our members.

OUR VALUES

To promote the positive contributions of our Association
and be the go-to for every Landlord and Service Provider.

WHO WE ARE

The Alberta Residential Landlord Association (ARLA)
founded in 1994, is a membership based, not for profit As-
sociation, that is dedicated to strengthening the Residen-
tial Rental Industry by educating, uniting and advocating
for professional members and preferred service members.
ARLA represents approximately 95,000 + primary and sec-
ondary units in Edmonton and surrounding areas. Togeth-
er our members employ thousands of people and spend
in excess of \$230 million annually on the operational side.
Our Association is governed by a Board of Directors and
committed staff members who together provide a united
voice for the rental housing community in Edmonton and
across Alberta.

ARLA offers tremendous benefits and ensures its mem-
bers are well informed with respect to government legisla-
tion, market trends, education and networking opportu-
nities. We have an array of professional landlord forms
and notices available for purchase, to help streamline
and standardize rental housing business practices for all
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The Voice of the Residential Rental Industry



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Check Out Our
Upcoming Events
this Year!



- July 15** Member Appreciation BBQ
11:30 am - 1:00 pm
Victoria Park
- Sept 14** Educational Webinar
Effective Documentation & Fair Housing
- Sept 16** Golf Classic Tournament
Sturgeon Valley Golf & Country Club
9:00 am Shotgun
- Oct 7** Educational Webinar
Evictions
- Nov 25** AGM & Christmas Luncheon
Dec 8 4th Annual Jingle & Mingle

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DATE

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ALBERTA RESIDENTIAL LANDLORD ASSOCIATION CODE OF ETHICS PROFESSIONAL MEMBER 2022 & PREFERRED SERVICE MEMBER 2022

The following Code of Ethics has been adopted by Alberta Residential Landlord Association's (ARLA) Board of Directors. Any breach of the Code of Ethics may result in the suspension or termination of membership.

It is the mandate that all ARLA Members be informed as to the developments and trends within the industry and render their services and opinions using their full training, qualifications, and experience. Part of our Associations duty is to always protect the public against fraud, misrepresentation, and unethical practices. ARLA Members withstand from seeking unfair advantages over and publicly criticizing the reputation of other industry members or the industry as a whole.

Public confidence in the professionalism and integrity of our Members is of the upmost importance which is necessary for the future credibility and success of the Alberta Residential Landlord Association. This Code of Ethics is not intended to describe the minimum expectation of permissible performance; rather, it describes the optimum performance the public has a right to expect and makes that performance the "norm" for Members of the Alberta Residential Landlord Association. The demand for high standards of professional conduct protects the interests and the rights of the Members within the Association, its clients, and customers. As such, the Code is and will continue to be a demanding document; a plan for professionalism, capable of including and accommodating every change, challenge and controversy which arises.

1. Members shall, at all times, conduct their business and personal activities with the knowledge of and in compliance with applicable Federal, Provincial and Municipal laws and regulations and shall maintain the highest moral and ethical standards.
2. Members shall act in a professional manner and treat all stakeholders with respect, fairness and in kind.
3. Members shall, strive to maintain and continually improve the professional standards of the industry through education, training, and refinement of their unique skills.
4. Members shall, seek to maintain an equitable, honourable, and cooperative relationship with fellow Members.
5. Members must use moral and ethical judgment in all decisions and act honestly and in good faith.



DIGITAL MARKETING INSIGHTS FOR THE FUTURE OF PROPERTY MANAGEMENT

BY PETER ALTABELLI, VICE PRESIDENT AND GENERAL MANAGER, YARDI CANADA LTD.

The growing prominence of websites in the multifamily marketing and leasing

process has triggered a move toward digital marketing that relies on electronic devices. In fact, more than half of respondents to Informa Canada's 2021 Multi-Res Tenant Survey found their ideal rental units through electronic means such as an ILS or property website. About 70% of renters visited the landlord's website, with almost half saying the visit influenced their decision to rent. These findings signify a fundamental shift from utilizing a website as a marketing channel to including the website as part of the tour.

Key Elements of a Digital Marketing Strategy Include:

- Search engine optimization (SEO) that improves search result rankings and increases organic website traffic.
- Search engine marketing (SEM) that uses paid online advertising to boost website visibility search results.
- Pay-per-click (PPC) ads, a flexible SEM strategy in which a business only pays when somebody clicks on its ads.
- Social media marketing that uses popular platforms such as Facebook, Instagram and YouTube for brand amplification and engagement.
- Content marketing that creates helpful and easily accessible resources for customers. Options include articles, blog posts, podcasts and videos.
- Email marketing that can nurture and build relationships with prospects and residents.

Implementing a Holistic Approach

The new renter's journey should be frictionless, from accessing listings and completing applications to submitting payments and renewing leases. Today, leasing activity begins on the website, putting a greater focus on immediate, mobile-friendly experiences that hold visitors' interest. But how else should websites be optimized?

Property managers can attract more prospects by showing them what it's like to live in the community. As a part of an SEM or social media strategy, showcasing the property should include sharing engaging floor plans, interactive property maps, detailed lists and photos of amenities and multiple tour options such as video, 3D and self-service.

As the prospective renter explores the website, community managers can encourage engagement with an omni-channel chatbot. Over the last year, artificial intelligence has innovated software apps to "learn" with experience and adapt to human conversation, which improves future interactions with prospects and residents. This tool also prepares you to communicate and connect with Gen Zers, the largest generation ever, as they enter the rental market.

And when the customer is ready to apply, leasing teams can use advanced screening software that has access to credit reports, rental payment histories and even international information. All are crucial features as more renters enter the market and properties compete for quality tenants.

Integrating Resident Services

Resident portals and apps have become another essential tool for marketing and leasing success. According to the Informa Canada 2021 survey, nearly 70% of renters currently use or want a tenant portal. Over two-thirds of respondents would like to communicate with their landlords electronically via a portal but only about half do. And 73% expressed a desire for online payment options, such as an app, e-transfer functionality or online pre-authorized debit.

Portals and apps are beneficial as they help reduce communication barriers between staff and tenants. Having easy mobile access to account details and more removes the need for residents to call the office for minor details (an option also preferred by Gen Z).



Understanding ROI

One of the smartest ways to improve customer service and marketing results is to have staff focus on high-quality leads. To identify prospects that are likely to convert, lead attribution tools in modern customer relationship management (CRM) software can help.

Multi-source lead attribution data shows where every lead came from and all the touchpoints they interacted with before filling out a guest card or scheduling a tour. These sources go beyond ILSs and include organic search results, paid ads, review sites and social media platforms. With this information, you can redistribute your marketing budget to advertising sources that are proven to work. A high quality of leads is more valuable than a high volume of leads and will get your staff excited about following up.

Advanced CRM software provides more than lead attribution, it empowers staff with automation tools and lead routing. This helps staff to meet hyper-relevant touchpoints with minimal manual effort, freeing up time to have more in-person interactions.

Final Takeaways

The pandemic enforced unforeseen improvisations within multifamily operations and has opened the door to wide-ranging technology options. Such platforms are now critical for a seamless renter lifecycle and higher tenant retention. Property managers that have leveraged an integrated digital marketing strategy in 2021 should not be concerned about the next phase of normalization. They are assured a competitive edge over businesses that continue to implement historically traditional leasing tactics.

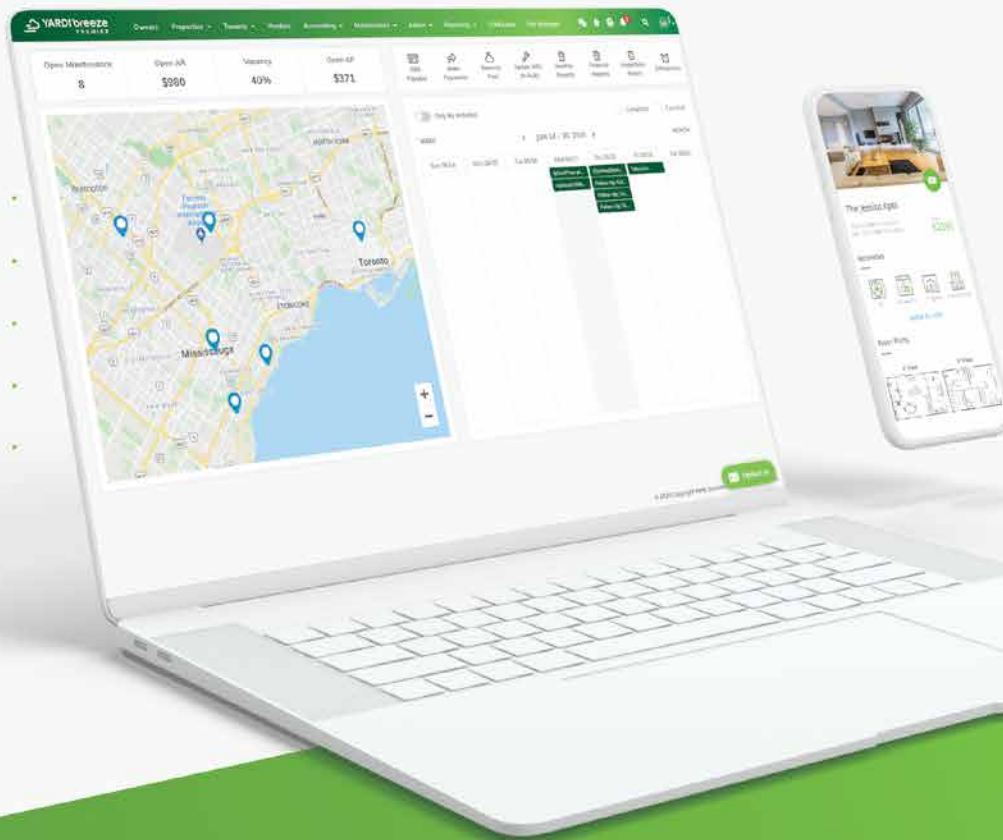
Only forward-thinking rental organizations can confidently say they will be able to grow their business in the years to come.

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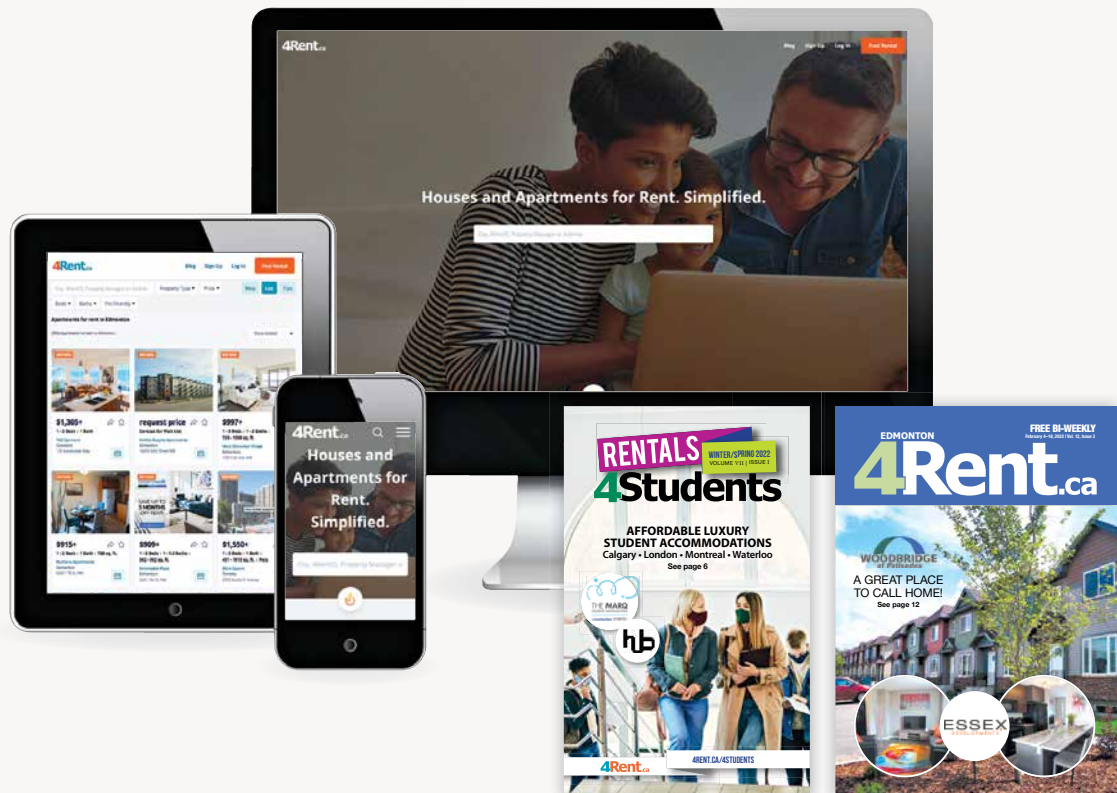
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HIGHLIGHTS OF ARLA'S FIRST ANNUAL LANDLORD RESOURCE TRADE SHOW & ACHIEVEMENT AWARDS LUNCHEON

Over two years in the making and the first of many Landlord Resource Trade Shows & Achievement Awards Luncheon took place on May 11, 2022 at the Chateau Louis Conference Centre.

Thank you to our main event sponsors for the day - Logixx Security & Christensen & McLean Roofing!



At 9:00 a.m. our Trade Show Doors opened and more than 500 people made their way through the 37 Exhibitors & Resources!

Thank you to all of our Exhibitors!



HIGHLIGHTS OF ARLA'S FIRST ANNUAL LANDLORD RESOURCE TRADE SHOW & ACHIEVEMENT AWARDS LUNCHEON

At 9:00 a.m. a Seminar presentation on Evictions & Tenancy Termination Success commenced presented by Sabrina Wilson from Consolidated Civil Enforcement. Thank you Sabrina for this fabulous presentation.

At 11:30 the doors opened for our ARLA Achievement Awards Presentation and Luncheon. Thank you to our Keynote speaker for the event – Boardwalk! What a great presentation!



AND NOW FOR THE ARLA ACHIEVEMENT AWARDS!



AND NOW FOR THE ARLA ACHIEVEMENT AWARDS!



Property Manager of the Year:

Amanda LeClerc - Avenue Living

Thank you, Complete Care Restoration,
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Site Employee of the Year:

Rhonda Budd from Midwest

Thank you, SERVPRO of Edmonton
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Small Rental Housing Provider of the Year:

Deveraux

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Preferred Service Member of the Year:

Zipsure Insurance Brokers

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Rental Housing Provider of the Year:

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AND NOW FOR THE ARLA ACHIEVEMENT AWARDS!



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Fadil Murati, Ayre & Oxford
Michelle Smith, Boardwalk
Paul Jones, Ayre & Oxford
Patricia Brake, Hazelview.

Site Employee of the Year:

Brian Doucette with Oakpoint
Helmar Banwa with Deveraux
Dave Smith with Ayre & Oxford
Desiree Palechek with Midwest
Myrna Cundliffe with Midwest
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Myrna De Vera with Midwest

Preferred Service Member of the Year:

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Rental Development / Renovation Project of the Year:

Phelips Apartments - Avenue Living
Aspen Ridge/English Manor - Oak
Point Developments
Green Tree Village - Boardwalk
Garneau Towers - Capreit
Hazledean Heights - Right At Home
Housing Society
Midtown - Leston Holdings
Londonderry - CIVIDA

Rental Housing Provider of the Year:

Leston Holdings
Ayre & Oxford

Congratulations to all of you!

The day ended with Cocktail hour and prize
give aways of \$500.00 each to 5 lucky
winners!

Lastly, a huge thank you to all the volunteers
for the day for helping make this event a suc-
cessful one and a MUST attend each year for
ARLA members!



I'VE SOLD A RENTAL UNIT, CAN I GIVE THE TENANT NOTICE TO VACATE?

BY GERALD TOSTOWARYK, CENTURY 21 URBAN REALTY

As real estate agents, we see a lot over the years, and like a bad movie, some scenes are repeated over and over. One scene that gets a lot of airtime is what I call **The Notice to Vacate Nasty Surprise**.

This scene is certain to repeat itself, and speaking of certainties, I am reminded of that old saying "There are two certainties in life, death and taxes." Well, I would argue there is another certainty, "residential tenancy laws are complex and tend to favor the tenant." As landlords, we need to be eminently aware of residential tenancy laws because if we don't, they hold a lot of surprises. Now, I don't mind surprises when watching movies, but not so much in real life.

Professional property managers will be familiar with these provisions and can save you a lot of grief, but for those of us that are in a situation in which we have to manage our own properties, there are a few things we must know.

So, with that introduction, let's take a look at some of the provisions of Alberta's Residential Tenancies Act and some of the ancillary legislation. These are complicated documents so at this point, I must make the obligatory disclosure that I am not a lawyer, and this is not legal advice. Your lawyer can expand on my answers and correct any errors. I have even seen some disclosures go so far as to say this is for entertainment purposes only, so... this article is for entertainment purposes only, although as you can tell, I am not that entertaining.

I originally wanted to make a FAQ format, but the answers are so interrelated, that will be difficult, so let me just ramble all over the place with a "sort of" FAQ style, and hopefully tie things together in the end. And finally, any references to sections refer to the Residential Tenancies Act (RTA), unless otherwise specified.

Okay, so I just accepted an offer to purchase my property and I need to give a tenant notice to vacate; first question, can I?

Short answer, not likely. Lawyer answer, that depends. To give you a complete answer, I

need to give you two answers. First, if you have a fixed-term tenancy (S 1.1(e)), you cannot give the tenant a notice to vacate under any circumstances until the fixed term comes to an end. The good news is that you don't have to give any notice at all (S.15), the other bad news is that if the tenant doesn't vacate at the end of the term, and you don't enforce the issue, it may be determined to now be a periodic tenancy (S 1.1(i), S 13), and that's not good because:

If you have a periodic tenancy, forget about it, you cannot give the tenant notice to vacate, ever, period - except for one of the specified reasons. This is to protect people from being unfairly evicted from their homes, which is, understandably, a difficulty for many. So, let's look at the specified reasons (Residential Tenancies Ministerial Regulation S 2):

- a) If the landlord or a relative of the landlord intends to occupy the premises,
- b) If the purchaser or a relative of the purchaser intends to occupy the premises,
- c) If the sale is of one detached or semi-detached dwelling unit, or one condominium unit, AND the purchaser requests in writing that the seller provide notice to terminate the tenancy,
- d) If the landlord intends to demolish the building,
- e) If the landlord intends to make major renovations to the premises that require the unit to be unoccupied,
- f) If the landlord intends to use or rent the premises for a non-residential purpose

Now there's more that I can't cover in this article so now may be a good time to emphasize the need to read and understand all aspects of the RTA and its ancillary documents such as the Ministerial Regulation. Okay, let's continue.

Oh, good, it looks like item b) gives me a way to give the tenant a notice to vacate, is that correct?

Maybe. Remember, if it is a fixed-term tenancy you cannot give notice to vacate early under any circumstances, so you are hooped there. If it is a periodic tenancy, and we will

assume it is a monthly periodic tenancy for the purposes of this question, you can indeed give the tenant notice as long as the deal is unconditional, and the purchaser has requested in writing that you provide such notice.

Of course, there's more; you must give the tenant 3 calendar months' notice. This is not the same as 90 days' notice. The clock doesn't start ticking until the first day of the month after the day you give the tenant the notice (I won't go into RTA provisions as to the form for proper notice that that is critical so check out S. 10) so a notice given on May 2 doesn't start counting three months' notice until June 1. If the contract says the purchaser gets possession any time before September 1 and they are expecting to move in, you've got a problem.

Well, it looks like item c) gives me a way to give notice to the tenant to vacate, is that correct?

Indeed, it does as long as it is a single unit as described in the legislation and the purchaser requests in writing, but I admit this is a newer clause or I just missed it in the

CONTINUED PAGE 23



NOTICE TO VACATE : CONTINUED ARTICLE

BY GERALD TOSTOWARYK, CENTURY 21 URBAN REALTY

past because this came as a surprise to me. I checked with a lawyer, and he confirmed it (I half expected him to say "it depends"), but always check to be sure. And remember, all the notice provisions I just described above still apply.

I won't go into the other prescribed reasons as they are not directly relevant to this article but I highly recommend reading and knowing the notice periods for these provisions because a) one day you're going to need one of them, b) some of the notice periods are 365 days, yup, one year's notice to vacate, and c) you may be tempted to falsely state a relative is moving in, to which I highly recommend you don't do that, it won't end well.

I'll let you have the fun of reading and discovering the details, but definitely do so.

Okay, well I guess I have no choice but to make an agreement with the tenant to pay them a sum of money to move out early as I don't want to lose this deal.

You can certainly do that, but once again, there is a snag. S 3 states that any such agreement is void, tenants cannot sign away any rights. In a nutshell, any agreement that contravenes the Act is void, so the tenant could ostensibly take the money and not move out early and you are highly unlikely to get that money back or them out early.

Even if a court would hear the matter, by the time it got resolved, you would be very miserable and possibly minus a deal...and a few bucks.

Okay, I'll plan ahead. I'll sign a one-year lease with the tenant with a provision they

move out early if I sell the building.

Short answer, read the previous response. A lawyer will have to confirm, but I suspect S 3 will toss this one out also as it contravenes the Act.

So, to make a long story short, you can only give a tenant notice to vacate when their fixed term tenancy ends, or with appropriate notice for one of the prescribed reasons if it is a periodic tenancy. Governments consider a person's home their castle, even if they are only renting it, and they strongly protect a resident's right to their home.

Know your legislation or one day you will wish you had.

Please don't hesitate to contact the author at 780-887-3709 or gerald.tostowaryk@c21.ca for any information.



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Summer 2022



ARLA ADVOCATES FOR PRIVATE SECTOR CONTRACTING OF MULTIFAMILY WASTE IN THE CITY OF EDMONTON

On March 25, 2022, The City of Edmonton Waste Administration presented a report to the Urban Planning Committee on

Multifamily Waste. This was done pursuant to a motion made in July of 2021 asking the City's administration to produce a business case study that would show different solutions for waste removal that would allow the Multi Family Industry to hire private sector companies to remove their waste, thereby removing the monopoly the City of Edmonton has on Multifamily Waste removal for over 15 years. The City currently dictates cost, location, and service to be provided to the Multi Family industry.

Several Multi Family Industry members spoke at the meeting in favor of the private sector contracting their 3-stream waste services. These members presented costs from other municipalities, showing variances in both cost and the level of service they are receiving in other municipalities. They showed the cost-saving results in other municipalities, including notably Calgary, that allowed a private sector option. Other municipalities are also working towards environmental goals, with private sector providing waste removal services to the Multifamily industry. The report the City provided was 93 pages but did not answer our concerns. There were no comparables to other municipalities, no facts on what costs would be affected for either side, no alternative examples - instead, it simply recommended the status quo, and if council wanted to not follow the recommendation of status quo, further research would have to be done. ARLA's members and other associations had sent over 200 emails to council in favor of privatization of the waste.

Multifamily owners have managed their waste in the past without the City and without issues. We want to be part of the 25-year strategy, we support organics processing. We only wanted to have the option of doing the job on our own, with our tenants and our own supports. Having control over our fixed costs is imperative. With the continual rise in the cost of utilities, property taxes, insurance, maintenance supplies and services our fixed costs are steadily climbing. We work at trying to

decrease these costs, because inevitably the costs are passed on to the tenants of the Multi-Family Units and often turn up as rental increases to residents. This makes for less affordable housing, which our City Council keeps saying publicly is a real concern. Multi Family condominiums are a large part of and are also caught by this issue: they, too, become less affordable by way of increasing condo fees.

Multi Family owners have been contributing to the cost of service for all 3 streams of waste with these costs being distributed to each service. Although we have contributed financially to the organics processing, we have not seen evidence of the diversion rate increasing although the City continues to advise that they are still processing organics.

Multifamily pays for services by the unit - \$30.69 per unit per month for the 3 streams. Source Separation will soon be mandatory for Multifamily units, throughout Edmonton, and will eventually have further impact on our expenses. The City held stakeholder

meetings; but did not answer stakeholder concerns, nor give credence to the stakeholder solutions.

We will continue to support our members through advocating on this issue with the City of Edmonton.

The Alberta Residential Landlord Association (ARLA) was founded in 1994, and is a membership-based, not-for-profit society, that is dedicated to strengthening the Residential Rental Industry by educating, uniting and advocating for professional members and related service members. ARLA represents approximately 95,000 + primary and secondary units in Edmonton and surrounding areas. Together our members employ thousands of people and spend in excess of \$230 million annually on the operational side. Our members also provide much of the affordable housing in the City.

For more information please contact:
Donna Monkhouse, Executive Director ARLA,
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Who	... benefits from this? ... is this harmful to? ... makes decisions about this? ... is most directly affected?	... have you also heard discuss this? ... would be the best person to consult? ... will be the key people in this? ... deserves recognition for this?
What	... are the strengths/weaknesses? ... is another perspective? ... is another alternative? ... would be a counter-argument?	... is the best/worst case scenario? ... is most/least important? ... can we do to make a positive change? ... is getting in the way of our action?
Where	... would we see this in the real world? ... are there similar concepts/situations? ... is there the most need for this? ... in the world would this be a problem?	... can we get more information? ... do we go for help with this? ... will this idea take us? ... are the areas for improvement?
When	... is this acceptable/unacceptable? ... would this benefit our society? ... would this cause a problem? ... is the best time to take action?	... will we know we've succeeded? ... has this played a part in our history? ... can we expect this to change? ... should we ask for help with this?
Why	... is this a problem/challenge? ... is it relevant to me/others? ... is this the best/worst scenario? ... are people influenced by this?	... should people know about this? ... has it been this way for so long? ... have we allowed this to happen? ... is there a need for this today?
How	... is this similar to _____? ... does this disrupt things? ... do we know the truth about this? ... will we approach this safely?	... does this benefit us/others? ... does this harm us/others? ... do we see this in the future? ... can we change this for our good?

SIGNS YOUR ASPHALT PARKING LOT NEEDS REPAIRS

BY PROZONE LTD.

Has your Edmonton parking lot seen better days? If potholes and cracks have become an issue in your asphalt, now

is the time to look into repairs. Asphalt is a highly durable paving material; however, wear and tear from traffic and weather will cause damage over time. Below you'll find some common signs of wear and tear, how this damage is repaired, and some advice regarding regular asphalt maintenance. Keep reading to learn more about asphalt repair in Edmonton!

Common Wear and Tear

It's no secret that your asphalt parking lot will begin to show signs of wear and tear over time due to weather and other factors. Some common signs to keep an eye out for are as follows:

- **Cracks.** Due to the weight of vehicles and fluctuations in temperature, asphalt can form cracks.
- **Potholes.** Potholes form when water sits in one location for an extended period or when neglected cracks become severe.
- **Low spots.** If a crack is left untreated in your asphalt and water seeps into the ground, soft spots can form underneath. Over time if these spots aren't treated properly, they will get worse as more water

collects inside them.

- **Discolouration.** Motor oil and other automotive chemicals can cause damage to your asphalt resulting in discoloured patches. Sometimes snow, ice, and plant debris can also cause this kind of damage.

Repair Vs. Replacement

In some cases, your asphalt might need some repair work done. In other cases, it may require a complete repave job. How can you know when it's time to repair or replace it? Get a team of professionals to evaluate your asphalt and provide you with the necessary next steps! Some common repair procedures include:

- **Crack sealing.** If your parking lot has a few cracks but is otherwise in pretty good shape, you may need a crack sealing job. Filling in the cracks and then sealing the asphalt can prevent the damage from becoming worse and keeps moisture from seeping into your parking lot's sublayer.
- **Pothole repair.** Potholes, just like cracks, will get worse over time if they're not addressed immediately. So if your parking lot has some potholes, get them filled and repaired right away. Otherwise, you may have to resurface your entire lot.
- **Resurfacing.** If your parking lot has extensive potholes, cracks, and other problems, it's a sure sign that it will need to be com-

pletely resurfaced. The resurfacing process involves scraping off the damaged layer of asphalt and laying down a new layer. While this is still better than starting from scratch, it's best to avoid resurfacing by repairing minor problems right away.

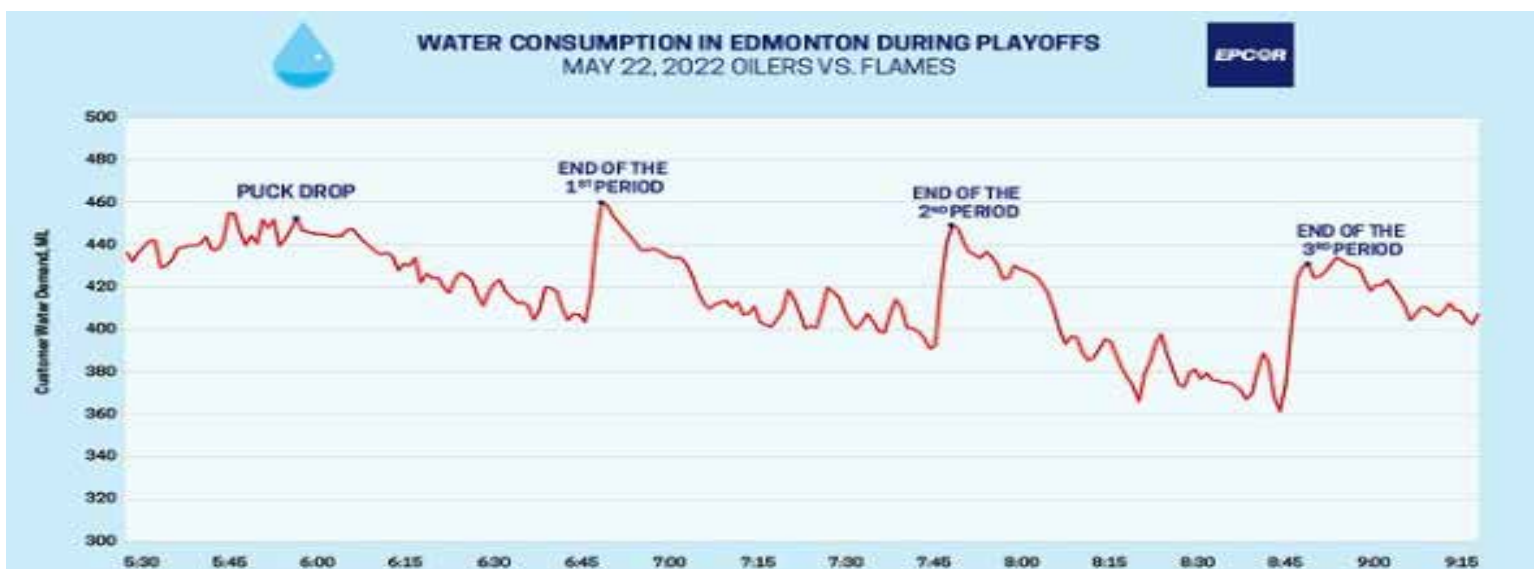
If your asphalt parking lot is in rough condition or the sublayer has endured damage from moisture and is no longer even, you should consider a complete replacement job. Repaving a parking lot involves ripping up the existing asphalt, preparing a new surface, and then putting down fresh asphalt. This process can be time-consuming and costly, but it is preventable with the proper maintenance and repair.

Don't Forget About Regular Maintenance!

Regular asphalt maintenance can keep your parking lot from developing potholes, cracks, and other damage. Essentially, asphalt maintenance entails period sealing, patching, and repainting. Depending on the wear and tear of your lot, every 1-3 years, you should have a seal coat applied to your asphalt. This ensures that moisture doesn't creep into small cracks and become a more significant problem.

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Enercare Home and Commercial Services	Warren.Kuchta@enercare.ca	780-884-2742
Entuitive	David.sirois@entuitive.com	780-7827316
First General Edmonton	moe.barzagar@firstgeneral.ca	780-903-0402
First Onsite Restoration	clavery@firstonsite.ca	403-519-7695
Foster Park Brokers	Daniel.Robinson@fosterpark.ca	780-203-2959
four elements Electric LTD.	shawn@four-elements.ca	780-850-0166
Gerald Tostowaryk Century 21 Urban Realty	gerald.tostowaryk@century21.ca	780-887-3709
GlobalTech Group Ltd.	b.kemp@globaltechgroup.ca	780-453-3433
Heartland Environmental	1danrochette@gmail.com	587-920-9249
HKS Security Group	jennifer@hkssecurity.ca	780-216-2776
Hydro-Flo Plumbing and Heating Ltd.	james@hydro-flo.ca	780-203-2230
Infinite Plumbing Heating & Drain	infiniteplumbing@live.com	780-782-4441
Iron Shield Roofing	cory@ironshieldroofing.com	780-758-7663
Jayson Global Roofing Inc.	jonathan@jaysonglobal.com	780-438-0331
Karlen-Kada Integration Inc.	daniel@karlenkada.com	780-453-1362
Kone Elevators	philippe.petit@kone.com	780-452-9227
Lea Painting Ltd	aaafawaz@hotmail.com	780-934-0704
Lionsgate Builders Corporation	TylerD@lionsgatebuilders.ca	780-278-3598
Locnest Holding Inc.	jeremy@locnest.com	587-338-9907
Logixx Security Inc	mfinelli@logixxsecurity.com	403-775-9198
Lowe's Group Rona	stephany.robinson@rona.ca	587-879-3140
Lydale Construction (Edmonton) LTD.	lbooth@lydale.com	780-443-8851
Major Pest Control	info@majorpestcontrol.ca	780-906-0911
Mid-City Construction Management Inc.	lwatson@mid-city.ca	780-886-4114
Miraculous Maids Inc	info@miraculousmaids.ca	780-702-5387

NB Benny's Contracting LTD.	rebekah@nbbennys.com	780-660-2888
NeldaSchulte.com	nelda@neldaschulte.com	780-920-6478
OAB Reliable Carpet & Furnace Cleaning	oabcarpetcare@live.ca	780-720-2007
On Side Restoration	kwallace@onside.ca	604-293-1596
Orkin/PCO Services Corp.	tbarracough@orkincanada.com	780-483-3070
OSCO Mudjacking & Shotcreting Ltd.	accounts@oscomudjacking.com	780-469-1234
Paul Davis Restoration	Ryan.Bubenko@pauldavis.com	780-454-4047
Peak Sewer & Underground Services Ltd.	brad@peaksewer.ca	780-918-6696
Pop-A-Lock	ron.murray@popalock.ca	587-672-5625
PPS Building Services	JBFlortec@hotmail.com	780-699-7980
ProPc Inc.	rchatfield@propcinc.com	780-475-7457
Propra	al-karim@propra.ca	403-605-5556
Prospect Plumbing and Heating Inc.	prospectyeg@gmail.com	780-782-2367
ProZone Ltd	admin@prozonelt.ca	780-452-9777
Rahall Electric Ltd.	donna@rahallelectric.com	780-406-4800
Ram Mechanical Inc	sean@rammech.com	780-982-3171
Rapid Response Industrial Group Ltd.	mikev@rapidresponseind.com	780-996-6566
RE/MAX Commercial Capital (Chris Davies)	chris@rcedm.ca	780-905-7562
RE/MAX Commercial Capital Property Mgmt.	pri@rcpm.ca	587-525-8900
Regional Municipality of Wood Buffalo	Heidi.major@rmwb.ca	780-743-7888
Rent Check Corporation	bjmaxwell@rentcheck.ca	416-365-7060 ext. 221
Rentokil Steritech Pest Control	sean.r.martin@rentokil.com	780-907-9680
Reynolds Mirth Richards & Farmer LLP	emirth@rmrf.com	780-425-9510
Screen Savers Inc.	andrew@getmosaic.ca	780-818-6911
Serv-It Process & Bailiff Services	tds.servit@shawbiz.ca	780-424-9020
Servpro of Edmonton Southside	efoy@servproedmonton.com	780-224-6075
Shel-Bar Electronic Industries Ltd.	info@shel-bar.com	403-275-7762
Signal 88 Security Edmonton	nlennie@signal88.com	780-863-4799
Solution 105 Consulting Ltd.	timinski@solution105.com	780-429-4774
Soncur Contracting Ltd	semerson@soncur.com	780-446-6739
Storm Appliance Inc.	riley@stormappliance.com	587-926-6905
Telus Communications Inc.	pauline.phillip@telus.com	780-868-5904
The Garbage Man Waste Solutions	neil@tgmwaste.com	780-467-0278
Torlys Smart Floors	jody.kelly@torlys.com	780-913-5765
Trail Appliances Ltd./Commercial Laundry	tmoulding@trail-appliances.com	780-434-9414
Treasures Insurance & Risk Management Inc	Terry.funk@excelrisk.ca	780-452-4405
Tree of Knowledge (TOK) Engineering Ltd.	mbankey.tok@shaw.ca	780-434-2376
Tru North Restoration	michael@trunorthrestoration.ca	780-994-0504
Trusty Tree Services	info@trustytree.ca	780-860-5500
Underground Disposal Systems Ltd	Ryan@undergrounddisposal.ca	780-680-3065
Waste Connections of Canada	shane.boisvert@wasteconnections.com	780-464-9413
Westland - MyGroup	Kathleen.Corkum@mygroup.ca	587-337-4116
Westview Village	ggriglak@lautrecltd.com	780-447-3345
World Floorcoverings	mikem@worldfloorcoverings.com	780-430-1405
Yardi Canada Ltd.	Jasmin.rodas@yardi.com	1-800-866-1144
ZipSure Insurance Brokers Ltd.	kckorkum@zipsure.ca	902-434-8734

Are You a Landlord in Alberta in Need of Professional Landlord Forms & Notices?



The Alberta Residential Landlord Association (ARLA) carries all the necessary Residential Landlord Forms that Rental Housing providers need for conducting their business.

Documents can be purchased online through ARLA's website or directly from the office during regular business hours.

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